REMARKS/ARGUMENTS

The rejections presented in the Office Action dated August 22, 2007 (hereinafter Office Action) have been considered but are believed to be improper since the primary reference fails to teach several of the claimed limitations. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

With respect to the § 101 rejection of Claims 16-18, each of the claims has been amended to be directed to a computer readable medium in accordance with the Examiner's suggestions. Consistent with MPEP § 2106.01, Applicant submits that Claims 16-18 are directed to statutory subject matter. Applicant accordingly requests that the rejection be withdrawn.

Applicant respectfully traverses each of the § 103(a) rejections, each of which largely depends upon the teachings of U.S. Publication No. 2003/0023759 by Littleton *et al.* (hereinafter "Littleton") because Littleton does not teach or suggest the asserted claim limitations. For example, Littleton fails to teach or suggest forming binding between a user data unit and a function of a second device in the second device, as claimed in each of the independent claims. Contrary to the assertion at page four of the Office Action, paragraph [0018] of Littleton teaches that a PC's telephone-provisioning conduit may access records in the PDA for synchronizing the phone numbers stored in the PDA with information residing on a server database separate from the PC (paragraph [0016] and Fig. 1). Paragraph [0018] specifically states that this use of the telephone-provisioning conduit does not interfere with use of existing PIM software residing on the PC. Therefore, any binding of the accessed records in the PDA (asserted first device) is not performed in, and does not affect a function of, the PC (asserted second device). Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejections are improper. Applicant accordingly requests that each of the rejections be withdrawn.

In addition, Littleton does not teach binding data or the use thereof, as claimed. The claims indicate that <u>binding data</u> associates a <u>user data identifier</u> identifying a <u>user data unit</u> with at least one <u>function</u> of a device such that the binding data is separate data from the

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user data unit. The attempted alignment of Littleton to these limitations is unsupported and misplaced as it asserts that a <u>contact record</u> (asserted binding data) would associate a <u>phone number</u> (asserted user data identifier) that identifies a <u>phone number/address</u> (asserted user data unit) with a call service such as speed dialing (asserted function). Since Littleton's phone number is part of the contact record (paragraph [0015]), it is content within the contact record, and not a separate user data unit. Also, the asserted phone number cannot correspond to both the claimed user data identifier and user data unit as these are separate elements. Further, Littleton's contact record would not correspond to the claimed binding data as it does not associate an identifier with at least one function of a device. The cited paragraph [0022] merely teaches that different service features may be set for a phone number included in a contact record; however, there is no indication that the contact record (asserted binding data) includes associations to, or identifiers for, such service functions. The asserted elements of Littleton do not correspond to the claimed definition of binding data and the cited portions do not support such an assertion. Thus, the § 103(a) rejections are improper, and Applicant requests that they be withdrawn.

Dependent Claims 2-7, 10, 11, 13 and 14 depend from independent Claims 1, 9 and 12, respectively. Each of these dependent claims also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the above-discussed teachings of Littleton. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with the independent claims above. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited references. "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2-7, 10, 11, 13 and 14 are also patentable over the asserted teachings of Littleton.

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With particular respect to the rejection of dependent Claims 3, 4, 5, 10, 11, 13 and 14, Applicant traverses because the asserted correspondence is inconsistent with the alignment of teachings in the rejection of the independent claims rendering a lack of presentation of correspondence to each of the limitations of these dependent claims. For example, the rejection of these dependent claims asserts that several of the elements asserted as corresponding to binding data, and the data which the binding data associates, correspond to multiple claim limitations at the same time such that the basis for the rejection of these dependent claims is illogical. Using Claim 3 as an example, a phone number is asserted as corresponding to the claimed user data unit (as is also a contact record), a user data identifier that identifies the user data unit, and a resource identifier that is associated with the user data unit. The asserted correspondence to the limitations of these dependent claims fails to acknowledge, or ignores, several of the claimed limitations and therefore fails to identify teachings that correspond to each of the claimed limitations. Applicant accordingly requests that the rejection of these dependent claims be withdrawn.

With respect to the § 103(a) rejection of dependent Claim 8 based upon the teachings of Littleton combined with those of U.S. Publication No. 2003/0220966 by Hepper *et al.* (hereinafter "Hepper"), Applicant traverses as the asserted references alone, or in combination, do not teach each of the claimed limitations. As discussed above, Littleton fail to at least teach forming binding between a user data unit and a function of a second device in the second device, as claimed. As Hepper has not been shown, and does not appear, to teach at least these absent limitations, the further reliance on Hepper does not overcome the above-discussed deficiencies in the § 103(a) rejections. Also, the asserted "second device" in the rejection of Claim 8 (server 106) is inconsistent with the alignment set forth for the rejection of the underlying independent Claim 1 (second device asserted as being the PC). Therefore, the rejection of dependent Claim 8 is also inconsistent and improper, and Applicant requests that the rejection be withdrawn.

In addition to the lack of correspondence between Littleton and the claimed invention, the assertion that the asserted binding data of Littleton would/could be synchronized separately is incorrect and fails to recognize the claimed invention. Since

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Littleton's phone numbers/addresses (asserted user data units) are part of the contact records (asserted binding data) the synchronization of the data units between the PDA and PC includes synchronization of the contact records – they are not separate data such that they could not be synchronized separately as asserted. Contrary to Littleton's single synchronization step, there is a specific relationship between the claimed separate synchronization steps, as discussed, for example, in paragraph [0017] of the Specification. A skilled artisan would not modify the teachings of Littleton as asserted, but if he/she did, such modification would not correspond to the claimed invention.

It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Further to the above-discussed arguments, the independent claims have been amended to indicate that the binding formed in the second device is formed with the binding data received during the second synchronization step and that the binding data associates a user data identifier with an identifier for identifying at least one function of the first device. These changes more explicitly set forth limitations that were previously implicit in the claim language and further support may be found in the Specification, for example, in paragraph [0007]; therefore, these changes do not introduce new matter. As the asserted references do not teach each of the claimed limitations and further do not teach such limitations as amended, each of the independent claims is believed to be patentable over the asserted references.
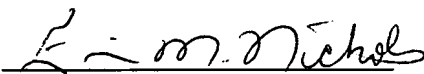
Applicant has also added new Claims 19-38, which largely correspond to original Claims 1-18. Further support for the new independent Claims 23 and 32 may be found, for example, in paragraph [0015] of the Specification, and support for Claim 38 may be found at page 4, lines 34-35. Each of these new claims is believed to be patentable over the asserted references for the reasons set forth above in connection with Claims 1-18.

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Authorization is given to charge Deposit Account No. 50-3581 (KOLS.054PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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